

**SENATE JOURNAL
63RD LEGISLATURE
FIRST LEGISLATIVE DAY**

Helena, Montana
January 7, 2013

Senate Chambers
State Capitol

Senate convened at 12:00 p.m. Senator Jergeson, Co-Dean of the Senate, presiding.

Senator Jergeson appointed Father Jerry Lowney as temporary Chaplain and Dan Ritter as temporary Sergeant-at-Arms.

The colors were presented by the U.S. Army Reserve Honor Guard, followed by the Pledge of Allegiance.

The invocation was given by Senator Taylor Brown.

Senator Jergeson appointed Marilyn Miller of Helena as temporary Secretary of the Senate.

Secretary Miller called the roll of the newly elected Senators.

Dee Brown, SD 02
Bruce Tutvedt, SD 03
Janna Taylor, SD 06
Jennifer Fielder, SD 07
Rick Ripley, SD 09
Brad Hamlett, SD 10
Jonathan Windy Boy, SD 16
Greg Jergeson, SD 17
John Brenden, SD 18
Matthew Rosendale, Sr., SD 19
Sharon Stewart-Peregoy, SD 21
Taylor Brown, SD 22
Roger Webb, SD 24
Robyn Driscoll, SD 26
Elsie Arntzen, SD 27
Mike Phillips, SD 33
Scott Sales, SD 34
Debby Barrett, SD 36
Jon Sesso, SD 37
Jim Keane, SD 38
Christine Kaufmann, SD 41
Gene Vuckovich, SD 43
Scott Boulanger, SD 44
Fred Thomas, SD 45
Sue Malek, SD 46
Dick Barrett, SD 47

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Cliff Larsen, SD 50

The Honorable Mike McGrath, Chief Justice of the Montana Supreme Court, administered the official oath of office to the new Senators.

Senator Murphy assumed the chair.

Roll Call. All members present. Quorum present.

Senator Wittich moved that the rules of the Senate as reflected in SR 1 and the joint rules as reflected in SJ 1, printed and placed on the members' desks this day, be adopted as the temporary operating rules of the 63rd Legislature. The motion carried unanimously.

Senator Lewis nominated Senator Jeff Essmann of District 28 for the office of the President of the Senate of the 63rd Legislature, and moved the election carry with it the name of Senator Debby Barrett of District 36 for the office of President Pro Tempore. Senator Sesso moved the nominations be closed and Senator Essmann be elected President of the Senate by acclamation. The motion carried unanimously.

Senator Essmann assumed the chair. President Essmann introduced his family and addressed the Senate. President Essmann introduced Senator Debby Barrett as President Pro Tempore; Senator Barrett introduced her family and addressed the Senate. President Essmann further introduced Senator Jon Sesso, as Minority Leader, and Senator Art Wittich as Majority Leader. Each leader introduced his family and addressed the Senate.

REPORTS OF STANDING COMMITTEES

COMMITTEE ON COMMITTEES (Brenden, Chairman)

Agriculture, Livestock, and Irrigation

Brown, Taylor (R - Ch)
Moore, Eric (R - V Ch)
Augare, Shannon (D)
Boulanger, Scott (R)
Caferro, Mary (D)
Malek, Sue (D)
Murphy, Terry (R)
Phillips, Mike (D)
Sales, Scott (R)
Stewart-Peregoy, Sharon (D)
Taylor, Janna (R)

Business, Labor, and Economic Affairs

Sonju, Jon (R - Ch)
Jackson, Verdell (R - V Ch)

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Arntzen, Elsie (R)
Barrett, Debby (R)
Brown, Dee (R)
Facey, Tom (D)
Moore, Eric (R)
Stewart-Peregoy, Sharon (D)
Van Dyk, Kendall (D)
Vuckovich, Gene (D)

Committee on Committees

Brenden, John (R)
Buttrey, Ed (R)
Lewis, Dave (R)
Ripley, Rick (R)
Vincent, Chas (R)
Walker, Ed (R)

Education and Cultural Resources

Peterson, Jim (R - Ch)
Jones, Llew (R – V Ch)
Arntzen, Elsie (R)
Brown, Taylor (R)
Driscoll, Robyn (D)
Facey, Tom (D)
Lewis, Dave (R)
Moore, Eric (R)
Stewart-Peregoy, Sharon (D)
Windy Boy, Jonathan (D)

Energy and Telecommunications

Olson, Alan (R - Ch)
Jackson, Verdell (R – V Ch)
Arthun, Ron (R)
Driscoll, Robyn (D)
Essmann, Jeff (R)
Jergeson, Greg (D)
Jones, Llew (R)
Kaufmann, Christine (D)
Larsen, Cliff (D)
Priest, Jason (R)
Tropila, Mitch (D)
Vincent, Chas (R)
Walker, Ed (R)

Finance and Claims

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Ripley, Rick (R - Ch)
Walker, Ed (R - V Ch)
Brenden, John (R)
Brown, Taylor (R)
Buttrey, Ed (R)
Caferro, Mary (D)
Essmannn, Jeff (R)
Hamlett, Brad (D)
Jones, Llew (R)
Keane, Jim (D)
Lewis, Dave (R)
Moore, Eric (R)
Olson, Alan (R)
Priest, Jason (R)
Rosendale, Matthew (R)
Sesso, Jon (D)
Tropila, Mitch (D)
Wanzenried, Dave (D)
Webb, Roger (R)
Windy Boy, Jonathan (D)

Fish and Game

Brenden, John (R - Ch)
Ripley, Rick (R - V Ch)
Barrett, Debby (R)
Facey, Tom (D)
Fielder, Jennifer (R)
Hamlett, Brad (D)
Jent, Larry (D)
Peterson, Jim (R)
Thomas, Fred (R)
Van Dyk, Kendall (D)

Highways and Transportation

Arntzen, Elsie (R - Ch)
Buttrey, Ed (R - V Ch)
Barrett, Dick (D)
Blewett, Anders (D)
Brown, Dee (R)
Keane, Jim (D)
Rosendale, Matthew (R)
Sonju, Jon (R)
Tutvedt, Bruce (R)
Vuckovich, Gene (D)
Wanzenried, Dave (D)

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Webb, Roger (R)

Judiciary

Murphy, Terry (R - Ch)
Sales, Scott (R - V Ch)
Augare, Shannon (D)
Blewett, Anders (D)
Boulanger, Scott (R)
Brenden, John (R)
Driscoll, Robyn (D)
Fielder, Jennifer (R)
Jent, Larry (D)
Larsen, Cliff (D)
Vincent, Chas (R)
Wittich, Art (R)

Legislative Administration

Buttrey, Ed (R - Ch)
Brown, Taylor (R - V Ch)
Augare, Shannon (D)
Kaufmann, Christine (D)
Murphy, Terry (R)

Local Government

Buttrey, Ed (R - Ch)
Taylor, Janna (R - V Ch)
Augare, Shannon (D)
Barrett, Dick (D)
Boulanger, Scott (R)
Malek, Sue (D)
Olson, Alan (R)
Tutvedt, Bruce (R)
Vuckovich, Gene (D)

Natural Resources

Vincent, Chas (R - Ch)
Brenden, John (R - V Ch)
Barrett, Debby (R)
Fielder, Jennifer (R)
Hamlett, Brad (D)
Jackson, Verdell (R)
Kaufmann, Christine (D)
Keane, Jim (D)
Larsen, Cliff (D)
Phillips, Mike (D)

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Ripley, Rick (R)
Rosendale, Matthew (R)
Tropila, Mitch (D)
Walker, Ed (R)

Public Health, Welfare, and Safety

Priest, Jason (R - Ch)
Murphy, Terry (R – V Ch)
Caferro, Mary (D)
Jergeson, Greg (D)
Thomas, Fred (R)
Wanzenried, Dave (D)
Wittich, Art (R)

Rules

Wittich, Art (R - Ch)
Barrett, Debby (R – V Ch)
Driscoll, Robyn (D)
Essmannn, Jeff (R)
Jent, Larry (D)
Jergeson, Greg (D)
Larsen, Cliff (D)
Olson, Alan (R)
Phillips, Mike (D)
Priest, Jason (R)
Ripley, Rick (R)
Sales, Scott (R)
Sesso, Jon (D)
Thomas, Fred (R)
Vincent, Chas (R)

State Administration

Arthun, Ron (R - Ch)
Brown, Dee (R – V Ch)
Blewett, Anders (D)
Jent, Larry (D)
Sales, Scott (R)
Van Dyk, Kendall (D)
Webb, Roger (R)

Taxation

Tutvedt, Bruce (R - Ch)
Thomas, Fred (R – V Ch)
Arthun, Ron (R)
Barrett, Dick (D)

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Essmann, Jeff (R)
Jergeson, Greg (D)
Kaufmann, Christine (D)
Malek, Sue (D)
Peterson, Jim (R)
Phillips, Mike (D)
Taylor, Janna (R)
Wittich, Art (R)

Senator Brenden moved the adoption of the committee report. The motion carried unanimously.

Secretary Miller read the report from the Legislative Administration Committee recommending the following staff appointments.

Armstrong, Bonner, Assistant Sergeant-at-Arms, Purchasing
Barrett, Brian, Majority Chief of Staff
Berger, Rick, Status Technician
Berger, Karen, Journal Clerk
Blomquist, Lisa, Word Processing
Bouchee, Jan, Committee Aide
Cormany, Allen, Sergeant's Office, Safety
Devine, Charlene, Committee Secretary, Local Government, Highways and Transportation
Durand, Dee, Committee Aide
Emge, Julie, Committee Secretary, Pub Health, Welfare & Safety, Energy & Telecomm
Gildroy, Prudence, Committee Secretary, Finance and Claims
Gorshe, Carolyn, Bills Distribution
Green, Anna, Minority Aide
Hamilton, Susie, Scanner
Hamilton, Pat, Sergeant's Office, Safety
Jackson, Osi, Majority Aide
Keim, Linda, Committee Secretary, Business and Labor
Kirkland, Janet, Committee Aide
Kulawik, Mary, Committee Secretary, Natural Resources, Fish and Game
Lavinder, Bobby, Committee Aide Supervisor
Lowney, Father Jerry, Chaplain
Lowrance, Brock, Majority Aide/Communications Director
MacIntyre, Kris, Secretary to the Secretary of the Senate
McCann, Dave, Sergeant's Office, Safety
Merwin, Spenser, Majority Aide
Miller, Marilyn, Secretary of the Senate
Nachtsheim, Joyce, Assistant Sergeant-at-Arms, Pages
Nachtsheim, Bruce, Assistant Sergeant-at-Arms, Safety
O'Leary, Brian, Reading Clerk
O'Neill, Donna, Secretary to the President
Pettengill, Amanda, Majority Aide

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Polhemus, Debra, Assistant Secretary of the Senate
Renaud, Carolyn, Bills Clerk
Rich, Charlene, Committee Secretary, Taxation
Ritter, Dan, Sergeant-at-Arms
Roberts, Walter, Amendment Coordinator
Samhammer, Emily, Minority Aide
Schindler, Pam, Committee Secretary, Judiciary
Sidor, Dan, Vote Clerk
Spencer, Nadine, Committee Secretary Supervisor
Staley, Lynn, Bills Coordinator
Stallbaumer, Kate, Minority Aide
Vergerant, Alison, Secretary to the Secretary of the Senate
Viehland, Daniel, Minority Aide
Warden, Darcy, Majority Aide
Whiting, Elizabeth, Committee Secy, Educ & Cultural Resources, Agriculture, Livestock & Irrig

Senator Buttrey moved adoption of the Legislative Administration report. The motion carried unanimously.

SPECIAL ORDERS OF THE DAY

Secretary Miller read a letter of appointments from the President. Senator Debby Barrett submitted the President's appointments of Marilyn Miller as Secretary of the Senate, Dan Ritter as Sergeant-at-Arms, and Father Jerry Lowney as Chaplain, to the Senate for confirmation. The Senate confirmation was unanimous.

Senator Wittich moved the President appoint a select committee to notify His Excellency, the Governor, that the Senate is organized and ready for business. The motion carried unanimously. The President appointed Senator Ripley, Chair, Senator Buttrey, Senator Blewett and Senator Facey.

Senator Wittich moved the President appoint a select committee to notify the Chief Justice and members of the Supreme Court that the Senate is organized and ready for business. The motion carried unanimously. The President appointed Senator Priest, Chair, Senator Walker, Senator Jent and Senator Keane.

Senator Wittich moved the President appoint a select committee to notify the House of Representatives that the Senate is organized and ready for business, and that the Senate wishes them success in their deliberations. The motion carried unanimously. The President appointed Senator Rosendale, Chair, Senator Arntzen, Senator Phillips, and Senator Driscoll.

Senator Wittich moved the Senate stand at ease, subject to the call of the chair, to await the reports of the select committees. The motion carried unanimously.

REPORTS OF SELECT COMMITTEES

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The Honorable Committee from the House of Representatives, consisting of Representative Fitzpatrick and Representative Pease-Lopez, reported the House of Representatives was organized.

The select committee appointed to notify the Chief Justice and members of the Supreme Court reported they had discharged their duty.

The select committee appointed to notify the Governor reported they had discharged their duty.

The select committee appointed to notify the House of Representatives reported they had discharged their duty.

MOTIONS

Senator Wittich moved the accredited members of the press, radio and television be granted the privilege of the Senate floor subject to the rules. The motion carried unanimously.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committee:

SB 1, introduced by Facey, referred to Finance and Claims.

SB 2, introduced by Facey (by request of the Education and Local Government Interim Committee), referred to Education and Cultural Resources.

SB 3, introduced by Essmann (by request of the Legislative Council), referred to State Administration.

SB 4, introduced by Peterson (by request of the Revenue and Transportation Interim Committee), referred to Taxation.

SB 5, introduced by Buttrey (by request of the Select Committee on Efficiency in Government), referred to State Administration.

SB 6, introduced by Buttrey, referred to Highways and Transportation.

SB 7, introduced by Caferro (by request of the Select Committee on Efficiency in Government), referred to Public Health, Welfare and Safety.

SB 8, introduced by Murphy (by request of the Law and Justice Interim Committee), referred to Judiciary.

SB 9, introduced by Murphy (by request of the Law and Justice Interim Committee), referred to Judiciary.

SB 10, introduced by Caferro, referred to Business, Labor, and Economic Affairs.

SB 11, introduced by Caferro, referred to Public Health, Welfare and Safety.

SB 12, introduced by Lewis (by request of the State Administration and Veterans' Affairs Interim Committee), referred to Public Health, Welfare and Safety.

SB 13, introduced by Wanzenried (by request of the Office of Public Instruction), referred to Education and Cultural Resources.

SB 14, introduced by Wanzenried (by request of the Office of Public Instruction), referred to Education and Cultural Resources.

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- SB 15**, introduced by Wanzenried (by request of the Department of Revenue), referred to Taxation.
- SB 16**, introduced by Dick Barrett (by request of the Revenue and Transportation Interim Committee), referred to Taxation.
- SB 17**, introduced by Priest, referred to Judiciary.
- SB 18**, introduced by Hamlett (by request of the Water Policy Committee), referred to Natural Resources.
- SB 19**, introduced by Hamlett (by request of the Water Policy Committee), referred to Natural Resources.
- SB 20**, introduced by Jent (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
- SB 21**, introduced by Arthun (by request of the Commissioner of Political Practices), referred to Judiciary.
- SB 22**, introduced by Arthun (by request of the Department of Revenue), referred to Judiciary.
- SB 23**, introduced by Rosendale, referred to Local Government.
- SB 24**, introduced by Rosendale, referred to Local Government.
- SB 25**, introduced by Jergeson (by request of the Office of Public Instruction), referred to Education and Cultural Resources.
- SB 26**, introduced by Jergeson (by request of the Public Service Commission), referred to Energy and Telecommunications.
- SB 27**, introduced by Larsen (by request of the State Auditor), referred to Public Health, Welfare and Safety.
- SB 28**, introduced by Thomas (by request of the State Auditor), referred to Public Health, Welfare and Safety.
- SB 29**, introduced by Buttrey (by request of the Department of Commerce), referred to Business, Labor, and Economic Affairs.
- SB 30**, introduced by Buttrey (by request of the Department of Commerce), referred to Business, Labor, and Economic Affairs.
- SB 31**, introduced by Debby Barrett, referred to Energy and Telecommunications.
- SB 32**, introduced by Facey, referred to Education and Cultural Resources.
- SB 33**, introduced by Jent (by request of the Department of Military Affairs), referred to State Administration.
- SB 34**, introduced by Caferro (by request of the State Auditor), referred to Taxation.
- SB 35**, introduced by Keane (by request of the Select Committee on Efficiency in Government), referred to State Administration.
- SB 36**, introduced by Murphy (by request of the Department of Administration), referred to State Administration.
- SB 37**, introduced by Murphy (by request of the Law and Justice Interim Committee), referred to Judiciary.
- SB 38**, introduced by Vincent (by request of the Water Policy Committee), referred to Natural Resources.
- SB 39**, introduced by Vincent (by request of the Environmental Quality Council), referred to Agriculture, Livestock and Irrigation.
- SB 40**, introduced by Buttrey, referred to Local Government.
- SB 41**, introduced by Buttrey, referred to Local Government.

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- SB 42**, introduced by Driscoll (by request of the Office of Public Instruction), referred to Education and Cultural Resources.
- SB 43**, introduced by Wittich (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.
- SB 44**, introduced by Keane (by request of the Environmental Quality Council), referred to Natural Resources.
- SB 45**, introduced by Keane (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.
- SB 46**, introduced by Vuckovich (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.
- SB 47**, introduced by Keane (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.
- SB 48**, introduced by Jergeson (by request of the Department of Natural Resources and Conservation), referred to Local Government.
- SB 49**, introduced by Ripley (by request of the Legislative Finance Committee), referred to Finance and Claims.
- SB 50**, introduced by Augare (by request of the Law and Justice Interim Committee), referred to Judiciary.
- SB 51**, introduced by Augare (by request of the Law and Justice Interim Committee), referred to Public Health, Welfare and Safety.
- SB 52**, introduced by Keane, referred to Energy and Telecommunications.
- SB 53**, introduced by Driscoll (by request of the Public Defender Commission), referred to Judiciary.
- SB 54**, introduced by Facey (by request of the Economic Affairs Interim Committee), referred to Local Government.
- SB 55**, introduced by Kaufmann (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.
- SB 56**, introduced by Jent (by request of the Department of Revenue), referred to Taxation.
- SB 57**, introduced by Jent (by request of the Secretary of State), referred to State Administration.
- SB 58**, introduced by Kaufmann (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Finance and Claims.
- SB 59**, introduced by Jergeson (by request of the Department of Public Health and Human Services), referred to Finance and Claims.
- SB 60**, introduced by Vuckovich (by request of the Environmental Quality Council), referred to Agriculture, Livestock and Irrigation.
- SB 61**, introduced by Ripley (by request of the Department of Administration), referred to Business, Labor, and Economic Affairs.
- SB 62**, introduced by Ripley (by request of the Department of Administration), referred to Business, Labor, and Economic Affairs.
- SB 63**, introduced by Blewett (by request of the Department of Military Affairs), referred to Finance and Claims.
- SB 64**, introduced by Facey (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.
- SB 65**, introduced by Wittich (by request of the Children, Families, Health, and Human

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Services Interim Committee), referred to Judiciary.

SB 66, introduced by Arthun (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

SB 67, introduced by Van Dyk (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

SB 68, introduced by Driscoll, referred to State Administration.

SB 69, introduced by Walker (by request of the Select Committee on Efficiency in Government), referred to Public Health, Welfare and Safety.

SB 70, introduced by Walker (by request of the Department of Environmental Quality), referred to Energy and Telecommunications.

SB 71, introduced by Tropila (by request of the Code Commissioner), referred to Judiciary.

SB 72, introduced by Debby Barrett, referred to Agriculture, Livestock and Irrigation.

SB 73, introduced by Kaufmann (by request of the Board of Crime Control), referred to Judiciary.

SB 74, introduced by Priest, referred to Natural Resources.

SB 75, introduced by Priest, referred to Fish and Game.

SB 76, introduced by Vincent (by request of the Department of Environmental Quality), referred to Natural Resources.

SB 77, introduced by Brenden, referred to Local Government.

SB 78, introduced by Lewis, referred to Education and Cultural Resources.

SB 79, introduced by Lewis, referred to Public Health, Welfare and Safety.

SB 80, introduced by Hamlett (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.

SB 81, introduced by Lewis, referred to Education and Cultural Resources.

SB 83, introduced by Murphy, referred to Fish and Game.

SB 84, introduced by Kaufmann (by request of the State Auditor), referred to Public Health, Welfare and Safety.

SB 85, introduced by Murphy, referred to Rules.

SB 86, introduced by F. Moore (by request of the Department of Livestock), referred to Rules.

SB 87, introduced by F. Moore (by request of the Education and Local Government Interim Committee), referred to State Administration.

SB 88, introduced by Dick Barrett (by request of the Reserved Water Rights Compact Commission), referred to Natural Resources.

SB 89, introduced by Jergeson (by request of the Department of Revenue), referred to Taxation.

SB 90, introduced by Olson (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.

SB 91, introduced by Kaufmann (by request of the Department of Corrections), referred to Public Health, Welfare and Safety.

SB 92, introduced by Olson (by request of the Department of Environmental Quality), referred to Natural Resources.

SB 93, introduced by Vuckovich (by request of the Department of Administration), referred to Business, Labor, and Economic Affairs.

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The following Senate bill was introduced and read first time:

SB 82, introduced by Lewis.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 1, introduced by Wittich (by request of the Senate Rules Standing Committee), referred to Rules.

The following Senate joint resolutions were introduced, read first time, and referred to committee:

SJR 1, introduced by Wittich (by request of the Joint Rules Committee), referred to Rules.

SJR 2, introduced by Tutvedt, referred to Taxation.

SJR 3, introduced by Murphy (by request of the Law and Justice Interim Committee), referred to Judiciary.

SJR 4, introduced by Keane (by request of the Environmental Quality Council), referred to State Administration.

SJR 5, introduced by Wittich, referred to Judiciary.

SJR 6, introduced by Olson (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.

SPECIAL ORDERS OF THE DAY

Senator Wittich introduced the newly elected Republican Senators:

Elsie Arntzen
Scott Boulanger
Dee Brown
Jennifer Fielder
Matthew Rosendale, Sr.
Scott Sales
Janna Taylor
Fred Thomas
Roger Webb

Senator Sesso introduced the newly elected Democrat Senators:

Dick Barrett
Robyn Driscoll
Greg Jergeson
Sue Malek
Mike Phillips
Jon Sesso

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Each new Senator addressed the Senate.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Tuesday, January 8, 2013. Motion carried.

Senate adjourned at 1:18 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate